

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

CLAUDE EMILE

Plaintiff,

V.

WELLS FARGO BANK, N.A.

Defendant.

Civil Action No. 15-cv-77-M-LDA

**JOINT MOTION TO EXTEND DISPOSITIVE MOTION DEADLINE**

The parties, Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) and Plaintiff Claude Emile (“Plaintiff”) (together, the “Parties”), jointly move this Court to issue an Order continuing extending the deadline to file dispositive motions to September 21, 2018 so that the Parties can continue to explore potential resolution of this matter. As grounds for their joint request, the Parties state the following:

Over the past months, the Parties have attended several mediation sessions with Berry Mitchell in an effort to resolve this matter, which involves Plaintiff's default on her mortgage payment obligations. A potential third-party buyer, Boston Community Capital, Inc. ("BCC")<sup>1</sup>, has submitted an offer to purchase the property by way of a short sale. The initial short sale offer was not accepted and the Parties returned to mediation on July 10, 2018, at which time Plaintiff submitted a new, written settlement proposal. Wells Fargo's counsel received a revised written

<sup>1</sup> According to its website Boston Community Capital, Inc. “is a nonprofit community development financial institution” that has “invested over \$1 billion in projects that provide affordable housing, good jobs, and new opportunities in low-income communities . . . .” See <http://www.bostoncommunitycapital.org/about-us>.

short sale offer from BCC on July 31, 2018. Following additional clarification from Plaintiff's counsel regarding the structure of the putative short sale other terms of the proposed sale and settlement, Defendant's counsel submitted the latest proposal to Wells Fargo for review.

Defendant's counsel expects to receive a decision on the current short sale offer in the next seven (7) to fourteen (14) days. Accordingly, the Parties respectfully request that the dispositive motion deadline be extended for thirty (30) days, up through and including September 21, 2018. The Parties' request is not being made for the purpose of delay, but rather to allow the latest short sale offer to be reviewed and to afford the Parties time to discuss alternative settlement proposals should the short sale offer be rejected. Extending the deadline will also conserve the resources of the Parties (and this Court) and potentially avoid the need for further litigation.

WHEREFORE, based on the foregoing, Defendant Wells Fargo Bank, N.A. and Plaintiff Claude Emile respectfully request that this Court grant their Joint Motion and enter an Order extending the deadline for filing dispositive motions to September 21, 2018.

Respectfully and jointly submitted

Plaintiff  
Claude Emile

By his Attorney,

/s/ John B. Ennis

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Dated: August 21, 2018

Defendant,  
Wells Fargo Bank, N.A.

By its Attorney,

/s/ Michael E. Jusczyk

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Dated: August 21, 2018

**CERTIFICATE OF SERVICE**

I, Michael E. Jusczyk, hereby certify that this document has been filed electronically and is available for viewing and downloading from the ECF system. I further certify that this document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 21, 2018.

/s/ Michael E. Jusczyk  
Michael E. Jusczyk